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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04861 (SMB)

Plaintiff,

v.

HAROLD J. HEIN REVOCABLE TRUST;
RICHARD HEIN, in his capacity as successor
trustee of the Harold J. Hein Revocable Trust; and
ROBERT HEIN, in his capacity as successor trustee
of the Harold J. Hein Revocable Trust,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Harold J. Hein Revocable Trust (“Hein Trust”); Richard Hein, in his capacity as successor trustee of the Hein Trust; and Robert Hein, in his capacity as successor trustee of the Hein Trust, by and through their counsel, Arthur Ruegger and Carole Neville, Dentons US LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed and served the Complaint against the Hein Trust and Harold J. Hein, in his capacity as trustee of the Hein Trust (“Defendants”).
2. On August 17, 2015, Defendants filed and served their Answer to the Complaint.
3. On February 20, 2016, Defendant Harold J. Hein died.
4. On November 9, 2016, Richard Hein and Robert Hein, in their capacities as successor trustees of the Hein Trust, were substituted as defendants for Harold J. Hein.
5. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release on December 6, 2019.
6. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims in the above-captioned adversary proceeding and dismissal of the adversary

proceeding with prejudice.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

9. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

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Date: December 20, 2019
New York, New York

BAKER & HOSTETLER LLP

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Revocable Trust; Richard Hein, in his
capacity as successor trustee of the Harold J.
Hein Revocable Trust; and Robert Hein, in
his capacity as successor trustee of the
Harold J. Hein Revocable Trust*

SO ORDERED:

Dated: December 23rd, 2019
New York, New York

/s/ STUART M. BERNSTEIN
Hon. Stuart M. Bernstein
United States Bankruptcy Judge